



## *Town of Lexington* **PLANNING BOARD**

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### **PLANNING BOARD REPORT**

## **ARTICLE 44 – PLANNED DEVELOPMENT DISTRICTS**

### **RECOMMENDATION**

The Planning Board unanimously recommends the motion under Article 44 be **APPROVED**.

### **SUMMARY**

This article would make several changes to processes related to Planned Development (PD) Districts in an effort to simplify the standards, processes, and terminology. A single district type that can be residential, commercial, or mixed use with no predetermined standards would replace the current Planned Residential (RD) and Planned Commercial (CD) district types. Zoning changes involving PDs would utilize normal Town Meeting processes rather than special rules. In addition, final plans would be reviewed utilizing the site plan review process rather than the special permit process. Existing CD and RD districts would remain covered by the existing bylaw until amended by Town Meeting, at which time they would become Planned Development (PD) districts and be governed by this proposed bylaw.

### **BACKGROUND**

Based on prior approvals of PD Districts the existing criteria and process are both complicated and inflexible. The proposed amendments to the Bylaw will permit considerable flexibility in the development of tracts of land by requiring few predetermined standards as well as permit the use of development standards that are more detailed than the more general standards elsewhere in this bylaw. Changes will also permit a developer to propose, and for the Town to vote on, a site development and use plan unique to a particular location

### **PUBLIC HEARING**

A duly advertised public hearing was held on February 10, 2016 in the Selectmen's Meeting Room in the Town Office Building. After a brief presentation of the proposed motion, no one spoke to this article and the hearing closed. After deliberations at their meeting of February 24, the Planning Board unanimously voted to recommend the adoption of this article. This report was approved by the Board at its meeting of April 13. The proposed motion was amended on April 20 to add an effective date to avoid complications and accommodate a change to the Town Meeting schedule regarding Article 45, a proposed amendment to a Planned Residential Development.

### **PROPOSED MOTION**

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows:<sup>1</sup>

A. Add an additional row to § 2.2.3 Planned Development Districts as follows:

PD	Planned Development
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<sup>1</sup> A strikethrough version is available upon request from the Planning Department

B. Replace § 7.3 with the following:

**7.3 PLANNED DEVELOPMENT DISTRICTS.**

**7.3.1 Purpose.** A planned development (PD) district is intended to:

1. Permit considerable flexibility in the development of tracts of land by requiring few predetermined standards;
2. Permit a developer to propose, and for the Town to vote on, a site development and use plan unique to a particular location;
3. Permit the use of development standards more detailed than the more general standards elsewhere in this bylaw; and
4. Provide information for the Town to evaluate the potential impacts of a proposed development and to enable the Town to require adherence to such site development plans.

**7.3.2 Provisions Applicable to PD Districts.**

1. Standards for development. A PD District does not have predetermined standards for development. Such standards are to be proposed by the developer, included in the preliminary site development and use plan, and approved by Town Meeting.
2. Uses permitted. Any uses may be permitted in a PD District if they are clearly identified in the preliminary site development and use plan approved by Town Meeting.
3. Compliance required. No use is permitted and no development may occur in a PD District except in substantial conformity with a preliminary site development and use plan approved by Town Meeting, the provisions of this section and site plan review under §9.5. In no case may the use or development be inconsistent with the text of the preliminary site development and use plan.
4. Filings. Each petition presented to the Town Meeting for rezoning land to a PD District shall include a preliminary site development and use plan describing the proposed zoning provisions and development plan as described in the Planning Board's rules and regulations. Two copies of the preliminary site development and use plan, which accompanies a petition for a rezoning, shall be filed with the Town Clerk and one copy with the Planning Board at least three weeks prior to the Planning Board public hearing required to be held under MGL c. 40A. Subsequent to that public hearing, revisions to the preliminary site development and use plan may be filed with the Town Clerk and the Planning Board. The vote of the Town Meeting shall refer to the preliminary site development and use plan and it shall be considered part of the rezoning action.
5. Previous amendments. The preliminary site development and use plan for an existing PD district that was approved by an earlier Town Meeting may be amended. The proposed amendments shall be presented and acted upon in the same manner set forth in this section for an original petition.
6. Application for site plan review. The application for site plan review under this section shall be accompanied by a copy, certified by the Town Clerk, of the preliminary site development and use plan approved by the Town Meeting.

**7.3.3 Existing RD and CD Districts.**

Existing CD and RD districts adopted under previous versions of this bylaw shall be governed by the version of this bylaw in effect on 1 January 2016 only until they are eliminated or amended. Any such elimination or amendment shall follow the procedures in this section.

C. Delete § 9.4.1.2.

D. This amendment shall take effect on June 1, 2016.